

COMMERCIAL MOTOR VEHICLE FAQ's

What is a commercial motor vehicle?

A CMV is:

- Any single vehicle or combination or combination of vehicles having a Gross Combined Weight Rating (GCWR – what the vehicles *can* carry) or Gross Combined Vehicle Weight (GCVW – the *actual* weight of the vehicle) of 10,001 pounds or more
- Used in furtherance of a business (This does not have to be transportation for money. It can be attempting to win a prize or trading favors for other businesses.)

My vehicle doesn't *WEIGH* 10,001 pounds. Why am I a commercial vehicle?

The law works off of *EITHER* the GCVW – the *actual* weight of the vehicle (truck and trailer) *OR* GCWR – what the vehicles *can* carry. This is the total of the vehicles, adding the VIN stickers together.

Do I have to mark my vehicle? What if I only use it for business some of the time?

Michigan Compiled Law 257.723 states:

(1) All commercial vehicles with a single or combination gross weight rating or total gross weight of **more than 5,000 pounds** and all towing or platform bed wrecker road service vehicles in operation upon the public highways of this state **shall have the name, city, and state** or the registered logo or emblem of the registered owner of the vehicle, and lessee of the vehicle if the vehicle is being operated under lease, painted or permanently attached on each side of the vehicle **in letters of not less than 3 inches in height, not lower than the bottom edge of the door**. This information shall be **in sharp color contrast** to the background.

(2) Except for towing or platform bed wrecker road service vehicles, the identification requirements of subsection (1) **may be met through the use of removable devices**, which meet the requirements of subsection (1). These devices shall be of durable construction and securely attached to each side of the motor truck or truck tractor. The removable devices shall be attached so that the identification is in a horizontal position.

What are the requirements for loading?

MCL 257.720 applies to every driver in the state and reads:

(1) A person shall not drive or move a vehicle on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle.

The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape.

Nothing came off my vehicle. How can I get a ticket? How can the company get a ticket when someone else was loading?

MCL 257.720 (2) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this section.

MCL 257.720 (4) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with knowledge that it is to be driven on a public highway, in a manner so as to cause a violation of subsection (1) shall be prima facie liable for a violation of this section.

How do I know I meet the law?

(3) Except as provided in this section, a vehicle carrying a load, other than logs or tubular products, **which is not completely enclosed** shall meet either of the following requirements:

(a) **Have the load covered with firmly secured canvas** or a similar type of covering. A device used to comply with the requirement of this subdivision shall not exceed a width of 108 inches nor by design or use have the capability to carry cargo by itself.

(b) **Have the load securely fastened to the body or the frame of the vehicle** with binders of adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load.

What is the company required to do to have a “qualified” driver?

FMCSR Part 391 covers these requirements in detail. In short, the driver file must have:

- A “driver’s” application. Note this has different questions than a standard employment application.
- A copy of the driver’s road test certificate.
- Annual copies of each States’ record inquiry, noted by the driver.
- Annual copies of the driver’s report of violations.
- A copy of the driver’s medical certificate.

Does this include occasional drivers and company officials?

Yes, even the owner if he will be driving.

What type of driver’s license is needed?

The State of Michigan requires its residents to obtain a "Chauffeur License" if they are employed for:

- The principal purpose of operating a commercial motor vehicle with a gross vehicle weight rating of 10,000 pounds or more.
- Operating a bus
- Operating a taxi.

The CDL Group 'C' is necessary for operating a vehicle with a gross combined weight rating (GCWR) less than 26,001 pounds *and* carrying hazardous materials on which a placard is required **or** is designed to transport 16 or more passengers including the driver.

A CDL 'B' license is required for operating a single vehicle over 26,001 pounds.

The CDL 'A' license is required for operating a vehicle where the gross combined weight rating (GCWR) is over 26,001 pounds and the trailer gross vehicle weight rating (GVWR) is over 10,000 pounds.

What are the equipment or maintenance requirements with the vehicles?

The vehicles need to be inspected by a Federally certified mechanic within every 12 months according to FMCSR 396.17.

Additionally, according to 396.3, the *motor carrier*, or the company, is responsible to keep all vehicles under it's control maintained in a safe and *proper* operating condition.

Where can I get more information?

The Michigan Center for Truck Safety (at www.truckingsafety.org) is a great resource *and* is free.

Michigan Law can be found at www.legislature.mi.gov

Federal Law can be found at www.fmcsa.dot.gov

There are many businesses that deal with providing copies of the laws, copies of approved forms, or even direct consulting for administration or safety work.